

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2051 OF 2005
IN
CRIMINAL APPLICATION NO. 2052 OF 2005
IN
CRIMINAL WRIT PETITION NO. 1562 OF 2001

Shri Pramod Balkrishna Latne
and ors.

.. Applicants

Vs.

Javyant Ganpatrao Laykar and ors.

.. Respondents

Mr.H.G. Wakshe for applicants.
Ms.M.M. Deshmukh, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : June 30, 2006.

P.C.:

1. Heard Mr. Wakshe the learned counsel for the applicants. Criminal Application No.2052 of 2005 has been filed praying for recall of the order dated 14/11/2003 by which Criminal Writ Petition No.1562 of 2001 came to be disposed as infructuous and as there is delay in filing the said application, this application has been filed for condonation of delay.

2. The only reason given in support of prayer for

delay condonation is the negligence on the part of the learned Advocate who appeared in Criminal Writ Petition No.1562 of 2001. The record shows that this application came to be filed on or about 13/1/2005 i.e. after about 14 months and the reasons given for condonation of delay do not make out good and sufficient reasons. In addition, affidavit filed by Mr. G.N. Salunke the learned Advocate who had filed Cri. W.P. No.1562/2001 does not indicate any good reason to condone the delay. On the contrary the affidavit states that Cri. W.P. No.1562/2001 was dismissed in default on two occasions prior to 14/11/2003.

3. The application is, therefore, rejected.

(B.H. Marlapalle, J.)